

**CITY OF SANTA BARBARA
CITY COUNCIL**

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City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**MONDAY, JUNE 6, 2022, 1:30 PM
SPECIAL COUNCIL MEETING AGENDA
COUNCIL CHAMBERS, CITY HALL, 735 ANACAPA STREET**

IN-PERSON PUBLIC COMMENT: Any person wishing to address the City Council should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Each speaker will be given a total of 3 minutes to address the Council. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REMOTE PUBLIC COMMENT: Members of the public wishing to speak must "raise their hand" in the Zoom platform by selecting the virtual hand icon when their item is called. The keyboard shortcut for this is Alt+Y for Windows and Option+Y for Macs. City staff will activate the speaker's microphone when the speaker's name is called. The speaker will then need to unmute themselves. The keyboard shortcut for this is Alt+M for Windows or Command-Shift-A for Macs.

HOW TO REMOTELY OBSERVE AND/OR SPEAK LIVE AT A MEETING

- **Web:** https://santabarbaraca-gov.zoom.us/webinar/register/WN_g7BPgEqEQnaiErvyKAXVg
(Participation via Zoom)
- **Telephone:** Dial 1-669-900-6833, Enter Webinar ID: 879 6207 6392
(press *9 to raise/lower hand; press *6 to mute/unmute)
- **Online Streaming:** Council meetings are streamed live at www.SantaBarbaraCA.gov/CAP
- **TV:** Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.santabarbaraca.gov/citytv for rebroadcasts of Finance and Ordinance Committee meetings.

WRITTEN PUBLIC COMMENT: Public comments may also be submitted via email to Clerk@SantaBarbaraCA.gov prior to the beginning of the Council Meeting. All public comments submitted via email will be provided to City Council and will become part of the public record.

PUBLIC COMMENT LIMITED TO SPECIAL MEETING TOPICS: Public comment on matters not listed on the agenda will not occur at the beginning of the meeting because this is a special meeting.

(CONTINUED ON NEXT PAGE)

REPORTS: Copies of the reports relating to agenda items are available for review at <http://www.SantaBarbaraCA.gov/CAP>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") online at the City's website (<http://www.SantaBarbaraCA.gov/CAP>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are posted to the City's website as soon as reasonably feasible.

SPANISH INTERPRETATION: If you need interpretation of your communications to Council from Spanish into English, please contact the City Clerk's Office at 564-5309 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification of at least 48 hours will usually enable the City to make arrangements.

INTERPRETACIÓN EN ESPAÑOL: Si necesita una interpretación del español al inglés, para sus comunicaciones al Consejo, comuníquese con la Oficina del Secretario Municipal al 564-5309, o por correo electrónico a Clerk@SantaBarbaraCA.gov. Si es posible, la notificación de al menos 48 horas generalmente permitirá a la Ciudad hacer los arreglos.

AMERICANS WITH DISABILITIES ACT: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. For those who need accessibility accommodation in using the "raise hand" function and/or registering to participate in the Zoom session, please contact the Clerk's office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email Clerk@SantaBarbaraCA.gov by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

**MONDAY, JUNE 6, 2022, 1:30 PM
SPECIAL COUNCIL MEETING AGENDA**

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARINGS

1. Subject: Proposal For Implementation Of Recommendations From The Community Formation Commission (520.04)

Recommendation: That Council:

- A. Direct that responsibility for oversight duties of the Police Department remain, and are enhanced, with the Fire & Police Commission, and draft ordinance language to be provided by the City Attorney's Office;
- B. Direct that monitoring responsibilities related to the Police Department be placed with the City Administrator's Office; and
- C. Approve a contract with the Office of Independent Review (OIR) for a strategic analysis of the Police Department with costs not to exceed \$50,000.

ADJOURNMENT



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 6, 2022

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Proposal For Implementation Of Recommendations From The Community Formation Commission

RECOMMENDATION: That Council:

- A. Direct that responsibility for oversight duties of the Police Department remain, and are enhanced, with the Fire & Police Commission, and draft ordinance language to be provided by the City Attorney's Office;
- B. Direct that monitoring responsibilities related to the Police Department be placed with the City Administrator's Office; and
- C. Approve a contract with the Office of Independent Review (OIR) for a strategic analysis of the Police Department with costs not to exceed \$50,000.

EXECUTIVE SUMMARY:

The Community Formation Commission ("CFC") issued twenty-five recommendations related to the establishment of a Civilian Oversight Board. The CFC issued an additional fifteen recommendations related to the creation of an Independent Police Monitor. The overwhelming number of recommendations by the Community Formation Commission are supported by both the City Administrator's Office and the Police Department.

Staff believes that the duties and authorities of a Civilian Oversight Board can and should be handled by the current Fire & Police Commission under the authority granted to it by the City Charter (Section 816). The duties and authorities of an Independent Police Monitor can be incorporated into a position within the City Administrator's Office. Other Auditor-Monitor elements provided for in the CFC recommendations can be contracted out for a period of one to two years in order to determine the scope and effort needed to accomplish the appropriate level of oversight.

Staff recommends that the City enter into a contract with the Office of Independent Review (OIR), which will be tasked with conducting an overall analysis of the Police Department. One of the main goals for the OIR is to provide a road map for determining future areas of review or auditing in order to implement necessary change for the betterment of the Department and community.

DISCUSSION:

Established by City Council to make recommendations for oversight of the Santa Barbara Police Department (SBPD), the CFC held its first meeting on March 17, 2021. In little over a year's time, the CFC fulfilled its directive by exploring SBPD's existing standards, examining different civilian police review systems, and identifying the specific needs for all of Santa Barbara.

To assist in developing a recommendation to City Council, the CFC retained the services of the National Association for Civilian Oversight of Law Enforcement (NACOLE) to organize and facilitate the process, as well as the Center for Court Innovation (CCI) to conduct a community survey regarding the draft recommendations of the CFC. The SBPD provided a sworn manager to act as a liaison to the CFC, and was always available to the commissioners throughout the process. The liaison also provided internal messaging and briefings to SBPD employees. The Police Chief and a representative of the Police Officers Association (POA) attended nearly all of the CFC meetings.

On April 22, 2022, the CFC presented their final recommendations to the City Council at a special meeting. After lengthy discussion and public comment, the Council accepted the report but did not take any action as to the recommendations. City Council requested that the Police Chief and the Chair of the CFC work with the City Administrator's Office to develop a series of specific recommendations for Council to consider at a later meeting.

The CFC's recommendation focused on two key areas. The first was the development of a Civilian Oversight Board (COB) and the second was the creation of an Independent Police Monitor (IPM) to provide ongoing review of police practices and procedures.

Civilian Oversight Board

The City Administrator's Office reviewed the 25 recommendations concerning the creation of a COB. Of those, twenty of the recommendations already fall within the jurisdiction of the Fire & Police Commission (F & P) under Santa Barbara City Charter section 816. Specifically, the Charter calls for the F & P to advise the City Council and City Administrator on the rules and regulations concerning the operation and conduct of the Fire and Police Department. Moreover, City Charter section 816 (e) allows for the exercise of such other functions, powers and duties not inconsistent with this Charter as may be prescribed by ordinance," meaning specific duties could be delineated to the F

& P through City Ordinance amendments so long as it does not conflict with the Charter.¹

The CFC's recommendation provided that any Civilian Oversight Board should be charged with filling three basic functions:

1. Provide an alternative, accessible and independent method for receiving complaints concerning police misconduct and ensure that those complaints are investigated appropriately.
2. Provide an ongoing review of police policy and procedure with the objective of ensuring that such procedures reflect current best practices and provide appropriate opportunity for community education.
3. Provide a venue for the discussion events of significant public interest. This venue would allow the community an appropriate forum to express their questions and concerns. Such a forum would also allow the police department to explain the actions of the department to the public.

All three of these important functions fall within the purview of the F & P and would only require City Council action via ordinance amendments to implement. While the CFC recommendations are already within the scope of the F & P, there will clearly need to be a shift in focus in the work and priorities of the Fire & Police Commission to ensure that the CFC's recommendations are carried out. Therefore, staff recommends that the City Administrator and City Attorney's Office work with the Chair of the Fire & Police Commission to incorporate these changes into the work of the F & P.

The following specific changes will need to be clearly articulated and implemented:

1. The Police Chief should report to the Fire & Commission regarding alternative methods currently under discussion or already in use for filing complaints of misconduct.
2. The City Administrator's Office, the Police Chief and the Chair of the Fire & Police Commission should identify those categories of alleged misconduct that are so egregious that they should be referred to an outside entity for investigation.
3. The Fire & Police Commission and the City Administrator's Office should determine a reporting schedule for the Police Chief to brief the Commission on proposed changes in departmental policies and protocols. It is worth noting that the Police Chief currently is required to report to the Commission on a monthly

¹ Any type of COB would be faced with the same legal challenge as no power designated to it can conflict with the Charter.

basis about matters of interest. This requirement could be more specifically defined.

4. In conjunction with the City Administrator's Office and the Police Department, the Fire & Police Commission should determine annual training standards for their members.

Another important task as it relates to the F & P is to update its rules and regulations that were originally adopted in 1967 in order to lift its standing within the community. Examples of potential changes include meeting more than once a month to take on more of the recommended workload as well as holding its meetings in Council Chambers so that it may be televised and be more recognizable to the community. Therefore, staff recommends that the City Administrator and City Attorney's Office work with the Commission to update its rules to take on the upcoming responsibility.

Auditor/Monitoring Element

The second focus area in the CFC's recommendation concerns the development of an Independent Police Monitor to oversee the activities of the Police Department. There are some concerns on how this is implemented due to operational necessity and affordability.

The City Administrator's Office included with this agenda report a proposed contract with the Office of Independent Review (OIR) to conduct a strategic audit of the Police Department and to focus on the following five specific areas:

1. A review of the police department's complaint process;
2. The need for Executive Development and leadership training;
3. Employee retention and recruiting;
4. Use of Force Training and Review; and
5. General Policy Compliance.

OIR has indicated that they estimate that they can complete this audit within 90 to 120 days after contract approval. The OIR will have access to all Police Department documents and files related to its scope to ensure success. The expectation is that the report from this audit will provide a foundation to help identify areas for future audits. It will also assist in establishing a work plan for the incoming Chief of Police.

The position of Senior Assistant to the City Administrator within the City Administrator's Office will serve in the monitoring function for at least the next two years. This position will be responsible for oversight related activities, liaison with the Police Department, and liaison with the Fire & Police Commission. This work will assist in determining actual workload requirements.

The auditing work, as well as the handling of sensitive investigations, should such investigations be required, can be contracted out during that time with assistance of the City Attorney's Office. We will report back to Council on an annual basis as to the work accomplished and an evaluation about the need for additional capacity within the Auditor-Monitor element.

BUDGET/FINANCIAL INFORMATION:

The assignment of the monitor duties to the Sr. Assistant to the City Administrator will not require additional funding as it is an existing position. The contract for the audit to be conducted by the Office of Independent Review will be funded by the use of General Fund Appropriated Reserves and allocated in the City Administrator's Office Fiscal Year 2022 operating budget. That contract is available for review by request to ngrisanti@santabarbaraca.gov and contains a provision that the total amount of work to be done will not exceed \$ 50,000.

There will also need to be additional funding to cover costs when an outside investigation is needed for investigations or to cover any audits/reviews directed by either the Fire and Police Commission or the City Administrator's Office. These actions would be outside the normal operating budget of the Police Department.

ATTACHMENT: Matrix of CFC Recommendations & Notes on Implementation

PREPARED BY: Barbara Andersen, Sr. Assistant to the City Administrator

SUBMITTED BY: City Administrator's Office

APPROVED BY: Rebecca Bjork, City Administrator

CFC Oversight Recommendations & Notes on Implementation**I. Civilian Oversight Board Recommendations**

Topic	CFC Recommendation	Notes on Implementation
Oversight Model	Hybrid / Independent Police Monitor	This work can be routed through the City Administrator's Office
Oversight Model	Create a Civilian Oversight Board	These duties will remain with the Fire & Police Commission
Purpose	Review / Recommend Revisions to Policies & Procedures	Revisions to policies and procedures should be reported on a regular basis
Purpose	Provide Opportunities for Community Input & Education	This is already within the purview of the F&P Commission
Purpose	Fair and Impartial Review of SBPD Investigations	<ol style="list-style-type: none"> 1. Chief should report to F&P on a regular basis 2. Major investigations (needs definition) should be contracted out
Membership Quals	1 seat for prior LE <ol style="list-style-type: none"> 1. Not in SB County 2. 7 years retired 3. No misconduct 	Recommend: <ol style="list-style-type: none"> 1. No prior SBPD 2. Retired for 3-5 years 3. No disqualifying misconduct
Membership Quals	7 members and two alternates	This would require a Charter change
Training	Training requirements including an annual ride-along or equally immersive experiences	F&P should work with City Administrator's Office to develop training standards. Ride-along (or the equivalent immersive experience) should be required annually.
Duties & Authorities	Reviewing departmental policies and proposing revisions. The Chief shall respond within 45 days.	This is already within the purview of the F&P commission (other than the 45 day response requirement).
Duties & Authorities	Hiring/Firing of the Director	To be handled by the City Administrator

Duties & Authorities	Evaluation of Director's Effectiveness	To be handled by the City Administrator
Duties & Authorities	Data requests related to Pattern & Practice	This is already within the purview of the F&P Commission
Duties & Authorities	Review the Complaint Process / Accept Third Party Complaints, ...	<i>Process questions need to be resolved</i> Mediation should be encouraged.
Duties & Authorities	Closed Session	This is already within the purview of the F&P Commission
Duties & Authorities	Authority to Issue Subpoenas	This is already within the purview of the F&P Commission
Duties & Authorities	Forum re: Specific Police Actions	This is already within the purview of the F&P Commission
Duties & Authorities	Conduct Community Outreach	The process will need to be defined by the City Administrator's Office
Duties & Authorities	Foster Collaborative Relationships with SBPD & other City Departments	This is already within the purview of the F&P Commission
Duties & Authorities	Involvement in the Hiring of the Chief of Police	This is already within the purview of the F&P Commission
Duties & Authorities	Contract Services to Fulfill Duties	This is already within the purview of the F&P Commission. Should be approved by the City Administrator
Duties & Authorities	Contract Services to Mitigate Conflicts of Interest	This is already within the purview of the F&P Commission. Should be approved by the City Administrator
Duties & Authorities	Budget Proposal Approval	
Duties & Authorities	Review of Police Shootings	The involvement of an outside evaluator may be considered. Otherwise, the Chief should report to the F&P Commission.
Stipends	CFC made Specific Requests	This is a matter for City Council and the City Administrator
SBPD Liaison	CFC made Specific Requests	This is already within the purview of the F&P Commission

II. Auditor – Monitor Element Recommendations

Topic	CFC Recommendation	Notes on Implementation
Introductory Statement	The IPM shall live in the City Administrator's Office	The duties can be managed out of the City Administrator's Office.
Duties & Authorities I.	Carry Out Duties in a Fashion that Ensures Procedural Justice	Concur
Duties & Authorities II.	IPM will create a process for receiving complaints...	These duties can be managed out of the City Administrator's Office
Duties & Authorities III.	Produce Annual Reports	City Administrator report to/from the Fire & Police Commission. Process to be determined
Duties & Authorities IV.	...actively monitor SBPD compliance with policies, procedures...	These duties can be managed out of the City Administrator's Office in conjunction with the F&P Commission
Duties & Authorities V.	Conduct Community Outreach and Education regarding Complaints	These duties can be managed out of the City Administrator's Office
Duties & Authorities VI.	Authorize Independent Investigations by a 2/3 Vote	Threshold for contracted investigations TBD
Duties & Authorities VII.	Unfettered Access to Police Records	There should be language that in the event of disagreement, the City Attorney may resolve the dispute.
Staffing I.	Independent Police Monitor	These duties can be managed by the City Administrator's Office
Staffing I.	Should never have been employed in SB County	N/A
Community Engagement V.	...historically underserved, marginalized...	These duties can be managed out of the City Administrator's Office
Community Engagement VI.	Restorative approaches ...	These duties can be managed out of the City Administrator's Office
Community Engagement VII.	Climate Survey every 3-5 years	These duties can be managed out of the City Administrator's Office
Independent Investigations I.	Authorization of Outside Investigations	Threshold TBD

COB/IPM Relationship I.	The COB shall participate in the hiring process of the Director	N/A
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